IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Writ Petition No. 5519 of 2007
[Sau. Ashabai G. Shinde Vs. State of Mah. & ors.]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. O.Y. Kashid, Adv., for the petitioner.
Mr. S.S. Doifode, AGP for Respondent Nos. 1 to 3.

CORAM : A.H. JOSHI, J.

DATE : 03rd December,2007.

1. Heard.

2. The petitioner, who was absent at the meeting, claims that voting ought to have been taken by secret ballot and not by raise of hands. Her second point is that there was a common discussion as to the proposal for voting on No Confidence Motion against Sarpanch as well as Up-Sarpanch. So was a common voting by raise of hands.

3. Nothing has been brought on record to show that majority of the members demanded secret ballot. In absence of proof of these facts, the right of the members to claim secret ballot is

without any foundation.

4. In so far as the grievance regarding nature of discussion is concerned, it is not open to the petitioner to challenge these matters in absence of her having herself participated in the meeting and testified the facts on oath. All that the petitioner claims to be a matter of her knowledge cannot be so, as, admittedly, she was not present in the meeting.

5. For the facts discussed above, the petitioner has failed to raise any question as to errors of law or jurisdiction in the impugned order.

6. No interference is called for. Writ Petition is accordingly dismissed.

Judge

|Hedau|